

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

REX BROWN, )  
                  )  
                  )  
Plaintiff,     )                   8:11CV284  
                  )  
                  )  
v.                )  
                  )  
WEST CORPORATION, a Delaware     )                   ORDER  
corporation,     )  
                  )  
                  )  
Defendant.     )  
                  )  
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Upon consultation with the parties at the March 5, 2013, hearing and stipulation of the parties in their notice to the Court (Filing No. [99](#)), the Court finds that further discovery will be expedited by referral of some discovery issues to the Magistrate Judge. Accordingly,

IT IS ORDERED:

- 1) The following issues are referred to Magistrate Judge Thalken for resolution:
  - a) Any future searches of West computers, including search terms and the degree to which non-decision makers' computers may be searched. This shall include issues related to protocol, cost allocation, and format of production going forward.
  - b) The scope of any interrogatory seeking commission/sales/lead information and expense information from

Directors of Sales at West to the extent the parties cannot agree on the scope of the interrogatory.

c) All other future issues related to discovery between the parties, except as noted below, including discovery propounded by West to plaintiff.

2) The following issues are not being referred to the Magistrate Judge:

a) All issues relating to which documents must be included in a privilege log and disputes regarding whether a particular document can properly be withheld as privileged.

b) West's compliance with the November 5, 2012, Order as it relates to the litigation hold, preservation efforts, descriptions required relating to preservation, and custodian efforts and directives.

DATED this 7th day of March, 2013.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court